

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
Jill King Greenwood	:	Case No.16-23676CMB
	:	Chapter 13
Debtor(s)	:	
Jill King Greenwood	:	
	:	Re Doc.43
Movant(s)	:	
	:	
vs.	:	
Ronda J. Winnecour, Trustee	:	
	:	Hearing Date 8/23/2017
Respondent(s)	:	

TRUSTEE'S RESPONSE TO MOTION FOR A HARDSHIP DISCHARGE

Ronda J. Winnecour, Chapter 13 Trustee, by her undersigned counsel, respectfully represents the following:

1. This case was filed on September 30, 2016. Ten (10) months have elapsed in this case, and the plan term is sixty (60) months.
2. Ronda J. Winnecour is the Chapter 13 Standing Trustee in this case.
3. The Debtor's plan was confirmed on June 14, 2017, less than three weeks before the debtor filed a motion for hardship discharge. The confirmation order requires a monthly payment of \$1880.00 and a term of sixty months. The plan includes a vehicle payment and two mortgage payments, attorney's fees, and an estimated zero percent distribution for unsecured creditors.
4. The debtor asserts that a recent lay-off has rendered her unable to complete her plan.
5. Counsel for debtor indicates in electronic mail discussions that debtor seeks to choose a new career in real estate.
6. The Debtor is choosing a new career while knowing it won't generate enough income in the short term to fund her plan.

7. The Trustee asserts that, alternatively, the debtor could find employment that pays enough to fund the plan.

8. Assuming the layoff is recent, the debtor has not given herself enough time to even try to find alternative employment.

9. Further, the debtor could make adjustments, such as surrendering the house; If she doesn't expect to earn enough to pay for the house through the plan, she certainly can't intend to remain in it while learning the real estate business. Thus, the debtor can be justly held accountable for the failure to complete the plan by reason of deciding to change to a career which will not generate enough income, without making an effort to find a replacement job within her field.

10. The Debtor cannot make a showing that modification of the plan is not practicable. Amending the plan to reduce the secured claims by surrendering is practicable, especially with so many years left within which to do it. Alternatively, if she is keeping the house and car, she is implying that she can complete the plan.

11. The Debtor does not meet the statutory requirements for a hardship discharge, and therefore the debtor's request should be denied.

WHEREFORE, the Trustee requests that Debtor's Motion for Hardship Discharge be denied.

RONDA J. WINNECOUR,  
CHAPTER 13 TRUSTEE

Date: 07/18/17

by     /s/ Jana S. Pail      
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CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> of July 2017, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire  
Assistant U.S. Trustee  
Suite 970, Liberty Center  
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Emsworth PA 15202

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/s/Dianne DeFoor  
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